

Per G.S. Singhvi, CJ

This is an appeal for setting aside order 29-11-2005 vide which the learned Single Judge dismissed the writ petition filed by the appellant for issuance of a direction to the respondents to release final bill in respect of the works covered by L.S. Agreement Bond No.17 and 18 relating to Singoor Project without effecting recovery towards seigniorage fee on gravely soil.

After arguing the case for some time, Sri Vedula Venkataramana, learned counsel for the appellant, gave out that his client will feel satisfied if the claim made by it for not charging seigniorage fee on gravely soil is considered by the Chief Engineer, Irrigation Department and appropriate decision is taken after hearing its representative.

Learned Government Pleader for Irrigation says that the respondents will have no objection if the Court directs for consideration of the appellant's claim against the levy of seigniorage fee in respect of gravely soil.

In view of the statements made by the learned counsel for the parties, we, without going into the legality or correctness of the order under challenge, dispose of the appeal with the following directions:

1. The appellant may, within two weeks from today, submit representation to the Chief Engineer, Irrigation Department against the levy of seigniorage fee on gravely soil used in the execution of project;
2. Within six weeks thereafter, the officer concerned shall, after hearing the representative of the appellant, take appropriate decision in the matter keeping in view the provisions of tender schedule for the works of the project,
3. While deciding the issue, the officer concerned shall examine whether gravel and gravely soil are two different items used by

the appellant in the execution of work.

The copy of the tender schedule supplied by the learned Government Pleader may be returned to him after obtaining acknowledgement.

G.S. SINGHVI, C.J.

Date:01-02-2006

G. BHAVANI PRASAD, J

PV

-

HONOURABLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HONOURABLE SRI JUSTICE G. BHAVANI PRASAD

WRIT APPEAL No.64 OF 2006

Between:

M/s. Aga Constructions,

761, Noorkhan Bazar, Hyderabad

Rep. by its Managing Partner, Syed Aga Hussain,

S/o. Syed Aga, aged about 66 years,

R/o. Hyderabad.

.. Appellant

AND

Government of Andhra Pradesh,
Rep. by its Secretary, Irrigation Department,
Secretariat, Hyderabad & two others

.. Respondents

:JUDGMENT:

-

Counsel for the Appellant : Sri Vedula Venkataramana
Counsel for the Respondents : G.P. for Irrigation & CAD

-

1st February, 2006

-